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Chapter 13 Standing Trustee
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**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA**

IN RE:

Maria Teresa Avila

Debtor

CASE NO. 18-14914-B-13F

DC NO.: LGT-1

CHAPTER 13 PROCEEDING

MOTION TO DISMISS
PURSUANT TO 11 U.S.C. §1307

DATE: July 31, 2024

TIME: 9:30 a.m.

PLACE: U.S. Courthouse
5th Floor, Dept. B, Courtroom 13
2500 Tulare Street
Fresno, Ca 93721

JUDGE: Hon. Rene Lastreto II

TO THE DEBTOR AND DEBTOR'S ATTORNEY:

YOU AND EACH OF YOU are hereby notified that Lilian G. Tsang, Chapter 13 Standing Trustee, will move to **DISMISS FOR CAUSE** the above-referenced case pursuant to §1307 of the Bankruptcy Code at the time and place set forth above for the following reason(s):

1. Material default by the Debtor with respect to a term of a confirmed plan. [11 U.S.C. §1307(c)(6)]
2. Termination of a confirmed plan by reason of the occurrence of a condition specified in the plan other than completion of payments under the plan. [11 U.S.C. §1307(c)(8)]
3. Debtor has failed to make all payments to creditors under the plan.
4. Debtor's Chapter 13 Petition was filed on December 11, 2018.
5. Debtor proposed a 60-month plan. Month 60 was December 2023.

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1 6. As of June 20, 2024, the total claims filed herein require an aggregate payment of
2 \$125,887.20. Debtor has only paid \$124,910.36. Therefore, the remaining claims, plus trustee
3 compensation that need to be paid pursuant to the plan, total \$976.84.

4 7. A review of Debtor's Schedules A/B and D shows that Debtor's significant assets,
5 vehicles, and real property are over encumbered. Debtor's claim exemptions in the remaining assets.
6 Because there is no equity to be realized for the benefit of the estate, dismissal, rather than conversion
7 to chapter 7, is in the best interests of creditors and the estate.

8 **WHEREFORE**, the Trustee requests the court dismiss this case.

9 DATED: 6-20-2024

Respectfully submitted,

10 /s/ Lilian G. Tsang

11 Lilian G. Tsang, Chapter 13 Trustee
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